

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION**

**UNITED STATES OF AMERICA**

**V.**

**KALLY SHELTON PHILLIPS (8)**

§  
§  
§  
§  
§

**CASE NO. 6:08cr46**

**ORDER ADOPTING THE REPORT AND RECOMMENDATION  
OF THE UNITED STATES MAGISTRATE JUDGE**

By order, the undersigned referred this matter to the Honorable John D. Love, United States Magistrate Judge, at Tyler, Texas, for administration of a guilty plea under Rules 11 and 32 of the Federal Rules of Criminal Procedure. Judge Love conducted a hearing in the form and manner prescribed by Federal Rule of Criminal Procedure 11 and the Honorable John D. Love issued his *Report and Recommendation of the United States Magistrate Judge* [Clerk's doc. #186]. The Magistrate Judge recommended that the Court accept Defendant's guilty plea and conditionally approve his plea agreement. He further recommended that the undersigned finally adjudge Defendant as guilty on **Count Three** of the **Indictment** filed against Defendant in this cause.

The parties have not objected to the magistrate judge's findings. The Court is of the opinion that the *Report and Recommendation* should be accepted. It is accordingly **ORDERED** that the *Report and Recommendation* [Clerk's doc. #186] of the United States Magistrate Judge is **ADOPTED**.

It is further **ORDERED** that the Defendant's guilty plea is accepted and approved by the Court. Further, the plea agreement is approved by the Court, conditioned upon a review of the presentence report. It is finally **ORDERED** that, pursuant to the Defendant's plea agreement, the Court finds the Defendant **GUILTY** of **Count Three** of the **Indictment** in the above-numbered cause and enters a **JUDGMENT OF GUILTY** against the Defendant as to **Count Three** of the **Indictment**.

**SIGNED this 2nd day of October, 2009.**

A handwritten signature in black ink, reading "Michael H. Schneider", written over a horizontal line.

MICHAEL H. SCHNEIDER  
UNITED STATES DISTRICT JUDGE